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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,627	10/10/2003	Wojciech Kurek	33692.03.1358	1829

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VEDDER PRICE KAUFMAN & KAMMHOLZ
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EXAMINER	
MILORD, MARCEAU	
ART UNIT	**PAPER NUMBER**
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	**Application No.** 10/683,627	**Applicant(s)** KUREK ET AL.
	Examiner Marceau Milord	**Art Unit** 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12,13,20 and 21* is/are allowed.

6)☒ Claim(s) *1,2,4,9,10,14-16,22 and 23* is/are rejected.

7)☒ Claim(s) *3,5-8,11 and 17-19* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 4, 9-10, 14-16, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani et al (US Patent No 6151502) in view of Chen et al (US Patent No 6853843 B2).

Regarding claims 1-2, 4, Padovani et al discloses a communication circuit operative to update an active link set list in a wireless communication system (figs. 3-4) comprising: a link circuitry operative to receive an active link set message (col. 3, lines 23-67; col. 8, lines 10-37; col. 10, lines 22-52; col. 4, lines 4-42; col. 8, lines 40-51).

However, Padovani et al does not specifically disclose steps of using reference link determination circuitry operative to receive an active link set update message and in response, to create a candidate list of reference links based on the active link set list and the received active link set update message; wherein the candidate reference link determination circuitry is operative to create the candidate list of reference links based on at least an indication in the received active link set update message to retain links from the active link set list

On the other hand, Chen et al, from the same field of endeavor, discloses a method which is directed to a digital wireless telecommunications system that includes a plurality of base station and a plurality of remote stations capable of transmitting data to and receiving transmissions from the plurality of base stations. In addition, the BSC examines the current state of communications with the remote station along with the signal strength measurements received from the remote station, and uses these to determine the new active set, the set of base stations with which the remote station should communicate, and whether or not to initiate a handoff (col. 6, line 53- col. 7, line 33). Furthermore, Chen et al shows in figure 3, a multi-mode receiver that is capable of receiving data in a single carrier frequency band, and also capable of receiving data in a multi-carrier frequency band where the control processor instructs receiver whether to be in single carrier or multi-carrier receipt mode any given moment. Demodulator provides the neighbor list message to control processor, which then generates a set of commands directing a search to be performed by searcher. Searcher also provides a set of search demodulation parameters to demodulator. Control processor generates an active set list for the BSC in accordance with the information in the message transmitted by remote station indicating the results of its search. Control Processor sends the active set list to interface, which forwards a message indicating the active set list to the BSC (col. 28, lines 28-37; col. 33, line 11- col. 34, line 55; col. 35, lines 9-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Chen to the communication system of Padovani in order to provide a method for performing handoff in a wireless telecommunication system that contains digital base stations which comply with a multi-carrier protocol.

Regarding claims 9-10, Padovani et al discloses a wireless device operative to update an active link set list in an asynchronous wireless communication system (figs. 3-4) comprising: a transceiver operative to receive an active link set message; a determination circuitry, operatively coupled to the transceiver (col. 3, lines 23-67; col. 8,lines 10-37; col. 10, lines 22-52;col. 4, lines 17-42; col. 6, line 11- col. 7, line 23;col. 8, lines 4-51; col. 10, lines 17-52; col. 11, lines 1-59).

However, Padovani et al does not specifically disclose steps of using reference link determination circuitry operative to receive an active link set update message and in response, to create a candidate list of reference links based on the active link set list and the received active link set update message; and memory, operatively coupled to the candidate reference link determination circuitry, and operative to store the candidate list of reference links; wherein the candidate reference link determination circuitry is operative to create the candidate list of reference links based on at least an indication in the received active link set update message to retain links from the active link set list.

On the other hand, Chen et al, from the same field of endeavor, discloses a method which is directed to a digital wireless telecommunications system that includes a plurality of base station and a plurality of remote stations capable of transmitting data to and receiving transmissions from the plurality of base stations. In addition, the BSC examines the current state of communications with the remote station along with the signal strength measurements received from the remote station, and uses these to determine the new active set, the set of base stations with which the remote station should communicate, and whether or not to initiate a handoff (col.

6, line 53- col. 7, line 33). Furthermore, Chen et al shows in figure 3, a multi-mode receiver that is capable of receiving data in a single carrier frequency band, and also capable of receiving data in a multi-carrier frequency band where the control processor instructs receiver whether to be in single carrier or multi-carrier receipt mode any given moment. Demodulator provides the neighbor list message to control processor, which then generates a set of commands directing a search to be performed by searcher. Searcher also provides a set of search demodulation parameters to demodulator. Control processor generates an active set list for the BSC in accordance with the information in the message transmitted by remote station indicating the results of its search. Control Processor sends the active set list to interface, which forwards a message indicating the active set list to the BSC (col. 28, lines 28-37; col. 33, line 11- col. 34, line 55; col. 35, lines 9-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Chen to the communication system of Padovani in order to provide a method for performing handoff in a wireless telecommunication system that contains digital base stations which comply with a multi-carrier protocol.

Regarding claims 14-16, Padovani et al discloses a method for updating an active link set list in an asynchronous wireless communication system (figs. 3-4), the method comprising: receiving an active link set message (col. 3, lines 23-67; col. 8,lines 10-37; col. 10, lines 22-52; col. 4, lines 17-42; col. 8,lines 40-51).

However, Padovani et al does not specifically disclose the steps of creating a candidate list of reference links based on the active link set update message and the active link set list;

wherein creating the candidate list of reference links further includes creating a list of links to be retained from the active link set list.

On the other hand, Chen et al, from the same field of endeavor, discloses a method which is directed to a digital wireless telecommunications system that includes a plurality of base station and a plurality of remote stations capable of transmitting data to and receiving transmissions from the plurality of base stations. In addition, the BSC examines the current state of communications with the remote station along with the signal strength measurements received from the remote station, and uses these to determine the new active set, the set of base stations with which the remote station should communicate, and whether or not to initiate a handoff (col. 6, line 53- col. 7, line 33).. Furthermore, Chen et al shows in figure 3, a multi-mode receiver that is capable of receiving data in a single carrier frequency band, and also capable of receiving data in a multi-carrier frequency band where the control processor instructs receiver whether to be in single carrier or multi-carrier receipt mode any given moment. Demodulator provides the neighbor list message to control processor, which then generates a set of commands directing a search to be performed by searcher. Searcher also provides a set of search demodulation parameters to demodulator. Control processor generates an active set list for the BSC in accordance with the information in the message transmitted by remote station indicating the results of its search. Control Processor sends the active set list to interface, which forwards a message indicating the active set list to the BSC (col. 28, lines 28-37; col. 33, line 11- col. 34, line 55; col. 35, lines 9-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Chen to the communication system of Padovani in order to provide a method for performing handoff in a wireless telecommunication system that contains digital base stations which comply with a multi-carrier protocol.

Regarding claims 22-23, Padovani et al discloses a memory (figs. 3-4) comprising instructions executable by one or more processing devices that cause the one or more processing devices (col. 6, line 11- col. 7, line 23) to: receive an active link set message (col. 3, lines 23-67; col. 8,lines 10-37; col. 10, lines 22-52; col. 4, lines 17-42; col. 8, lines 40-51).

However, Padovani et al does not specifically disclose steps of creating a candidate list of reference links based on the active link set update message and the active link set list; and a list of links to be removed from the active link set list, and a list of links to be retained from the active link set list, in response to the received active link set update message.

On the other hand, Chen et al, from the same field of endeavor, discloses a method which is directed to a digital wireless telecommunications system that includes a plurality of base station and a plurality of remote stations capable of transmitting data to and receiving transmissions from the plurality of base stations. In addition, the BSC examines the current state of communications with the remote station along with the signal strength measurements received from the remote station, and uses these to determine the new active set, the set of base stations with which the remote station should communicate, and whether or not to initiate a handoff (col. 6, line 53- col. 7, line 33). Furthermore, Chen et al shows in figure 3, a multi-mode receiver that is capable of receiving data in a single carrier frequency band, and also capable of receiving data in a multi-carrier frequency band where the control processor instructs receiver whether to be in single carrier or multi-carrier receipt mode any given moment. Demodulator provides the neighbor list message to control processor, which then generates a set of commands directing a search to be performed by searcher. Searcher also provides a set of search demodulation parameters to demodulator. Control processor generates an active set list for the BSC in accordance with the information in the message transmitted by remote station indicating the results of its search. Control Processor sends the active set list to interface, which forwards a message indicating the active set list to the BSC (col. 28, lines 28-37; col. 33, line 11- col. 34, line 55; col. 35, lines 9-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Chen to the communication system of Padovani in order to provide a method for performing handoff in a wireless telecommunication system that contains digital base stations which comply with a multi-carrier protocol.

Allowable Subject Matter

3. Claims 3, 5-8, 11, 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

4. Claims 12-13, 20-21 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-2, 4, 9-10, 14-16, 22-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER

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Art Unit 2618